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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,871	03/16/2007	Yasutaka Wakabayashi	1248-0814PUS1	1766
2292 7590 07/22/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER BRAY, STEPHEN A				
ART UNIT 2629		PAPER NUMBER		
NOTIFICATION DATE 07/22/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/550,871

Applicant(s)

WAKABAYASHI ET AL.

Examiner

STEPHEN A. BRAY

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-22, 25-41.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Chanh Nguyen/
Supervisory Patent Examiner, Art Unit 2629

/STEPHEN A BRAY/
Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the Applicant's arguments on Pages 2-9 regarding the rejection of Claims 1, 8, 9, and 38, the Examiner respectfully disagrees that Yoksza et al (US 5,410,328) in view of Skene et al (US 2003/0069616) and Conway et al (US 6,149,283) fail to teach the limitations of the above claims. Figure 3B and Column 3, lines 47-64 of Yoksza et al discloses a display device 100 composed of a plurality of LED modules 10 which individually form pixels which are lit to form an image (Figure 3B) according to commands and data (input video signal) received from a centrally located processing unit. Paragraphs [0003] and [0032] of Skene et al disclose outputting light having a wavelength that affects the biorhythm of a person. Claim 14 of Skene et al discloses that the wavelength of light that affects the biorhythm is 452 nm, which is primarily blue light. Paragraph [0011] of Skene et al also teaches that the wavelength of light that affects biorhythm could be supplied via a monitor or TV set. Conway et al discloses an LED light source where the color of light emitted by the LED light source can be controlled and set to emit light having a desired wavelength. Therefore the LED modules of the display device taught by Yoksza et al could be replaced by the LED light sources taught by Conway et al, where the wavelength of light emitted by the LED light sources are such as they affect a biorhythm as taught by Skene et al. The Examiner is taught to give each claim its broadest reasonable interpretation in view of the specification, but not to read limitations from the specification into the claims. The Examiner understands the term "input video signal" to encompass a simple ON/OFF type data signal provided to each pixel of a display to form either a still image or a moving image. For the LED light source taught by Conway et al to have a wavelength of light which affects biorhythm (452 nm), the power supplied to the blue LED would be greater than the power supplied to the red and green LEDs. Therefore when the LED light source above is switched from ON to OFF, the intensity of light emitted from the blue LED would change at a faster rate than the intensity of light emitted from the red and green LEDs, since the blue LED would transition from high intensity to OFF, while the other two LEDs would transition from low intensity to OFF. Therefore Yoksza et al in view of Skene et al and Conway et al does teach the subject matter of Claims 1, 8, 9, and 38.

Regarding the Applicant's arguments on Page 9 regarding the rejection of Claims 4 and 12 the Examiner respectfully disagrees that Terman (US 5589741) fails to teach the limitations of the above claims. Column 3, lines 28-53 of Terman et al discloses adjusting the intensity of the light based upon what type of weather is trying to be stimulated, i.e. reducing the intensity if the weather is to be cloudy and increasing the intensity if the weather is to be sunny. Therefore Terman et al does teach the subject matter of Claims 4 and 12.

Regarding the Applicant's arguments on Page 10-11 regarding the rejection of Claims 6-7, 14-19, the Examiner respectfully disagrees that Stam et al (US 2004/0047624) is not relevant to the subject matter of claims 6-7 and 14-19. Figure 7, Paragraphs [0005] and [0046] of Stam et al discloses having a complementary light emitting illuminator assembly which operates to emit a first wavelength of light (483 nm) which can affect a biorhythm and a second wavelength of light (584 nm) which mixes with the first wavelength of light to generate white light. The subject matter taught by Stam et al could be used in the modified display device taught by Yoksza et al in order to have a display which emits white light instead of blue light.

Regarding the Applicant's arguments on Pages 11-13 regarding the rejection of Claims 20, 21, and 39-41, the Examiner respectfully disagrees that Hecker (US 2004/0047624) is not relevant to the subject matter of claims 20-21, 39-41. The reference to Shenderova et al at the top of Page 15 of the Final Office Action mailed 5/6/2010 is a typo. The name "Shenderova et al" should read "Yoksza et al". Figure 1 of Hecker discloses a transparency 32, which by definition would still allow an image being displayed on the display 100 taught by Yoksza et al to be seen by a person looking through the transparency, such as having a section of the picture to display other information, such as time, date, or other information. Therefore the combination of Yoksza et al and Hecker doesn't destroy the intended operation of the display of Yoksza et al, which is to display information.

Regarding the Applicant's arguments on Page 15 regarding the rejection of Claim 35 the Examiner respectfully disagrees that Terahara et al (US 2003/0016432) fails to teach the subject matter of claim 35. The Examiner is using Terahara et al to teach that it is well known in the art to have a tunable optical filter (transmittance controlling means) for controlling the transmittance of light (amount of light) having a desired wavelength (Paragraph [0010] of Terahara et al) through said tunable optical filter via a controller. Therefore Terahara et al does teach the limitation a transmittance control means (tunable optical filter) for controlling transmittance in a wavelength band, a control means for controlling (controller in claim 1) the transmittance controlling means (tunable optical filter) for causing an amount of the light from the light source being passed by the transmittance means to change based on the light wavelength so that the image display section is irradiated with light from the transmittance control means (tunable optical filter).

Regarding the Applicant's arguments on Page 16 regarding the rejection of Claims 36-37 the Examiner respectfully disagrees for the same reasons as listed above in the response to arguments for Claim 1..

Continuation of 13. Other: The information disclosure statement filed 7/06/2010 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered. Claims 1-22, 25-41 remain rejected under the reasoning listed above and in the Final Rejection mailed on 5/06/2010